

1 Merits Panel  
2 Mail Stop Interference  
3 P.O. Box 1450  
4 Alexandria Va 22313-1450  
5 Tel: 571-272-9797  
6 Fax: 571-273-0042

7 Filed May 5, 2006

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2 UNITED STATES PATENT AND TRADEMARK OFFICE  
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5 BEFORE THE BOARD OF PATENT APPEALS  
6 AND INTERFERENCES  
7 (Administrative Patent Judge James T. Moore)

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10 ANTHONY CORNELIUS O'SULLIVAN,  
11 LAURENZ GSELL, RUDOLF NAEF,  
12 MARCEL SENN, THOMAS PITTERNA, and  
13 DAVID JOHN WADSWORTH,  
14 Junior Party  
15 (Application 09/091,333),  
16  
17 v.  
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19 UDO KRAATZ  
20 Senior Party  
21 (Patent 5,679,796).

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24 Patent Interference No. 105,277  
25 (Technology Center 1600)

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29 Judgment - Request for Adverse - Bd. R. 127(b)  
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31 Before LANE, TIERNEY, and MOORE, Administrative Patent Judges.

32 MOORE, Administrative Patent Judge.

33 The application and patent involved in this interference have become commonly  
34 owned. (Paper 34, page 2 and Paper 37). Accordingly, the Board required the

common owner, Syngenta Crop Protection, Inc. to investigate and determine the prior inventors as between O'Sullivan and Kraatz. (Paper 34).

Syngenta has determined that O'Sullivan was the first to invent the subject matter of the count and requests adverse judgment as regards to Kraatz. (Paper 38).

Upon consideration of the Request for Adverse Judgment, it is hereby:

**ORDERED** that judgment on priority as to Count 1 the sole count in this interference (Paper 1, page 4) is awarded against Senior Party Udo Kraatz.

**FURTHER ORDERED** that Senior Party Udo Kraatz is not entitled to a patent containing Kraatz claim 1 (corresponding to Count 1).

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/091,333 and patent 5,679,796.

**FURTHER ORDERED** that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) regarding the filing of settlement agreements.

/Sally Gardner Lane/ )  
ADMINISTRATIVE PATENT JUDGE )  
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 )  
 /Michael P. Tierney/ ) BOARD OF PATENT  
ADMINISTRATIVE PATENT JUDGE ) APPEALS AND  
 ) INTERFERENCES  
 )  
 /James T. Moore/ )  
ADMINISTRATIVE PATENT JUDGE )

1 cc (via email)

2

3 Attorney for O'Sullivan:

4

5 William A. Teoli, Jr., Esq.

6 Thomas Hamilton, Esq.

7 SYNGENTA CROP PROTECTION , INC.

8 PATENT AND TRADEMARK DEPARTMENT

9 410 SWING ROAD

10 GREENSBORO NC 27409

11 Tel: 336-632-7706

12 Tel: 336-632-7586

13 Fax: 336-632-2012

14 [tom.hamilton@syngenta.com](mailto:tom.hamilton@syngenta.com)

15 [william.teoli@syngenta.com](mailto:william.teoli@syngenta.com)

16

17 Attorney for Kraatz:

18

19 Jorge A. Goldstein, Esq.

20 STERNE, KESSLER, GOLDSTEIN & FOX

21 1100 NEW YORK AVENUE, NW

22 Washington, DC 20005-3934

23 [jgold@skgf.com](mailto:jgold@skgf.com)

24 [sludwig@skgf.com](mailto:sludwig@skgf.com)

25

26

27